

REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Reconsideration is respectfully requested.

The rejections of the claims under 35 U.S.C. 112, as being indefinite, has been overcome as amendments have been made in keeping with the Examiner's suggestions.

Claims 1, 3-5, 8-10, 12, 14, 17-18, 25 and 43 were rejected under U.S.C. 103(a) as obvious over Dodds (U.S. Pat. 6,287,254) in view of Trendelenburg (Clinica Chimica Acta, 1998, Vol. 278, p. 229-242).

Claims 1, 3-5, 8-10, 12, 14, 17-18, 40-45 were rejected under U.S.C. 103(a) as obvious over Trendelenburg (Clinica Chimica Acta, 1998, Vol. 278, p. 229-242). in view of Dodds (U.S. Pat. 6,287,254) and Jensen (J. Comp. Path, 1996, vol. 114, p.339-346).

The claims as amended respectfully overcome these rejections, and also are patentable over those references.

In particular an amendment has been made to all the independent claims wherein the characteristics of the icons are defined as being such as to be representative of the textual content of the supplementary report. Further, different icons are individually related to animal characteristics of age and animal grouping.

Claims 1, 10 and 25 include having the icons be for animal characteristics dependant on age and sex, and animal characteristics dependant on animal grouping, and disease state, and wherein the icons are for groupings of at least three of the following animal groups, namely adult, puppy-adolescent, geriatric, or large breed dog.

Additionally there are icons for a disease state, being thyroid disease, the icons being representative of being normal relative to thyroid disease, and abnormal relative to thyroid

disease. Further these claims indicate that the second computer program is configured to permit supplementation of the data from the first computer program.

Claims 40 to 42 cover the groupings for all of adult, puppy-adolescent, geriatric, or large breed dog respectively.

Claims 43 to 45 cover an icon for a disease state requiring treatment for thyroid disease and for an indication of thyroid autoantibody.

The following understanding of the invention, paraphrasing Claim 1 should assist the Examiner.

The invention defines a method, system, or procedure directed to:

A diagnosis of the health of an animal which requires
a combination of computerized data and human interpretation:

A.

*data is obtained relating to the physical characteristics of the animal,
the data is from at least one of a physical inspection and family and breed
history
the data is submitted to a clinical pathologist;
a physical blood sample from the animal is taken for laboratory analysis;
the blood samples is physically carried to the main laboratory for analysis;*

B.

*a computer generated report of the laboratory analysis is obtained;
the analysis is reported through a network to the clinical pathologist,
the clinical pathologist has the data relating to the physical characteristics,
makes a diagnosis of the animal health [namely human interaction];
obtains [namely human interaction from a computer generated system]
from a menu on a computer screen a supplemental diagnostic report to support the
diagnosis;
enhances [namely human interaction] the supplemental report by a further
input from the pathologist through data entry to obtain an enhanced diagnostic
report [namely human interpretation];
obtains an integrated computer report having the
laboratory analysis [computer generated],
supplemental diagnostic report, and
an enhanced diagnostic report;*

*electronically communicates the **enhanced diagnostic report** [namely **obtained by computer and human interaction**]; to a remotely located client.*

Claims 1, 10 and 25 define an invention which is clearly patentable over the prior art.

The independent claims additionally require that:

- the second computer program includes icons defining predetermined supplemental report characteristics
- selected icons may be used by the clinical pathologist to supplement the laboratory report
- the icons are for animal characteristics dependant on age and sex, and animal characteristics dependant on animal grouping
- the icons are for groupings of at least three of the following animal groups, namely adult, puppy-adolescent, geriatric, large breed dog, or sight hound
- icons for a disease state, being thyroid disease
- the icons being representative of being normal relative to thyroid disease, and abnormal relative to thyroid disease
- the icons are defined as being such as to be representative of the textual content of the supplementary report
- different icons are individually related to animal characteristics of age and animal grouping.

The references do not remotely relate to the features for instance of Claim 1 paraphrased above.

They do not relate to obtaining and electronically delivering a **diagnosis of the health of an animal** through a combination of computerized data and human interpretation where data relating to the physical characteristics of the animal.

The data is obtained from a physical inspection and family and breed history of the animal given to a clinical pathologist.

A computer generated report of the laboratory analysis reports the computer analysis to a clinical pathologist. The clinical pathologist has the data relating to the physical characteristics, and thereby makes a diagnosis of the animal health by human interaction.

A supplemental diagnostic report to support the diagnosis is obtained.

An enhanced report may be obtained by a further input from the pathologist through data entry.

The integrated computer report having the laboratory analysis, **supplemental**, and an **enhanced diagnostic report** is all electronically communicated to a remotely located client.

There are multiple levels of activity which are spelt out, for instance, in claim 1. These are not remotely disclosed, taught or suggested by the references. Nowhere are the steps of the main laboratory and activities of the clinical pathologist even considered in the references. Nowhere are the different levels of report considered. Nowhere are the animal characteristics, even part of the references.

Even more so, in respect of there is the need for securing a blood sample from the animal and submitting the blood sample for laboratory analysis. This is not disclosed, taught or suggested in the references.

The **diagnosis** of the health of an animal is through a combination of computerized data and human interpretation related to the animal which requires obtaining data relating to the physical characteristics of the animal, the data being obtained from a physical inspection and family and breed history of the animal, and the data submitted to a clinical pathologist; and blood sample being laboratory analyzed.

The invention is concerned with obtaining at least four input data so that thereafter there can be an interpretation by a combination of computerized data and human interaction.

The data is obtaining relating to the physical characteristics of the animal, and thus the data is obtained from a physical inspection and family history of the animal. The data is submitted to a clinical pathologist.

A computer generated report of the laboratory analysis from the laboratory is sent through a network to a clinical pathologist. The clinical pathologist has the data relating to the physical characteristics, and thereby makes a diagnosis of the animal health as an enhanced diagnostic report. This is communicated electronically to a remotely located client.

There is a method of obtaining and electronically delivering a diagnosis of the health of an animal through a combination of computerized data and human interpretation related to the animal.

None of the cited art relates to animal disease diagnosis with characteristics unique to animals, as indicated in each of these independent claims. Hence human type prior art systems are not relevant and do not teach features necessary for animal disease diagnosis as claimed. Thus, the cited references are not appropriate prior art.

Trendelenburg deals with icons which are of a nature such as the conventional Microsoft word processing icons of cut, paste, print or save etc. Cut, paste, print or save etc icons are not per se representative of the textual content of a report-they are simply empty icons or a short cut to effect an instruction-there is no per se textual content represented in the Trendelenburg icons and likewise none can be presumed. There is clearly no disclosure, teaching or suggestion in Trendelenburg of icons defined as being representative of the textual content of the supplementary report. Also the different icons are individually related to animal characteristics of age and animal grouping. Accordingly Trendelenburg is deficient in multiple respects in regard to the nature of the icons.

Clearly also in relation to the claims 40-45 there is no disclosure teaching or suggestion in Trendelenburg of icons indicated to be representative of textual information related to or representing diagnostic interpretation.

Dodds is a system of relating different phenotype and genotype characteristics in an assessment of a disease. There is nothing remotely disclosed about doing a supplemental report or an enhanced report, nor any thing about icons of any nature.

Jensen does not remotely affect the patentability of the present claims. Jensen comments in his summary: "The assay alone was therefore not capable of giving a firm diagnosis." Thus Jensen already states that the TSH assay for determining thyroid disease is inadequate. More so, Jensen is not remotely a teaching of the groupings of animal groups, namely adult, puppy-adolescent, geriatric, or large breed dog.

The independent claims 1, 10 and 25 require that:

- the second computer program includes icons defining predetermined supplemental report characteristics
- selected icons may be used by the clinical pathologist to supplement the laboratory report
- the icons are for animal characteristics dependant on age and sex, and animal characteristics dependant on animal grouping
- the icons are for groupings of at least three of the following animal groups, namely adult, puppy-adolescent, geriatric, or large breed dog
- icons for a disease state, being thyroid disease
- the icons being representative of being normal relative to thyroid disease, and abnormal relative to thyroid disease
- the icons are defined as being such as to be representative of the textual content of the supplementary report
- different icons are individually related to animal characteristics of age and animal grouping.

In view of the above, it is submitted that the claims as presented are patentable over the cited art.

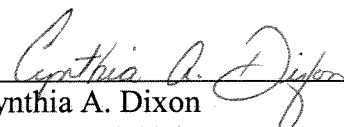
The invention provides an important advance in the field of blood testing for animals and the overall manner of providing supplemental and enhanced reporting. The use of icons are for being representative of the textual content of the supplementary report or different icons are individually related to animal characteristics of age and animal grouping.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058034-011800 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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